

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1673

By: Kouplen

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; creating
8 the Oklahoma Death with Dignity Act; defining terms;
9 permitting certain person to make request for
10 medication for certain purpose; setting forth certain
11 requirements for valid request; providing certain
12 responsibilities of attending physician; requiring
13 certain confirmation by consulting physician;
14 requiring counseling under certain circumstance;
15 requiring informed consent; requiring oral and
16 written requests prior to receiving certain
17 medication and requiring certain time period;
18 requiring certain medical record documentation;
19 providing residency requirements; requiring State
20 Department of Health to review certain records;
21 providing for certain construction; providing
22 immunity for certain individuals; providing certain
23 penalties; requiring certain form; providing certain
24 penalties; providing for codification; and providing
an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3002.1 of Title 63, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Death
with Dignity Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3002.2 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in the Oklahoma Death with Dignity Act:

5 1. "Adult" means an individual who is eighteen (18) years of
6 age or older;

7 2. "Attending physician" means the physician who has primary
8 responsibility for the care of the patient and treatment of the
9 patient's terminal disease;

10 3. "Capable" means that in the opinion of a court or in the
11 opinion of the patient's attending physician or consulting
12 physician, psychiatrist or psychologist, a patient has the ability
13 to make and communicate health care decisions to health care
14 providers, including communication through persons familiar with the
15 patient's manner of communicating if those persons are available;

16 4. "Consulting physician" means a physician who is qualified by
17 specialty or experience to make a professional diagnosis and
18 prognosis regarding the patient's disease;

19 5. "Counseling" means one or more consultations as necessary
20 between a state-licensed psychiatrist or psychologist and a patient
21 for the purpose of determining that the patient is capable and not
22 suffering from a psychiatric or psychological disorder or depression
23 causing impaired judgment;

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1 6. "Health care provider" means a person licensed, certified or
2 otherwise authorized or permitted by the law of this state to
3 administer health care or dispense medication in the ordinary course
4 of business or practice of a profession, and includes a health care
5 facility;

6 7. "Informed decision" means a decision by a qualified patient
7 to request and obtain a prescription to end his or her life in a
8 humane and dignified manner, which is based on an appreciation of
9 the relevant facts and after being fully informed by the attending
10 physician of:

- 11 a. his or her medical diagnosis,
- 12 b. his or her prognosis,
- 13 c. the potential risks associated with taking the
14 medication to be prescribed,
- 15 d. the probable result of taking the medication to be
16 prescribed, and
- 17 e. the feasible alternatives, including, but not limited
18 to, comfort care, hospice care and pain control;

19 8. "Medically confirmed" means the medical opinion of the
20 attending physician has been confirmed by a consulting physician who
21 has examined the patient and the patient's relevant medical records;

22 9. "Patient" means a person who is under the care of a
23 physician;

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1 10. "Physician" means a doctor of medicine or osteopathy
2 licensed to practice medicine by the State Board of Medical
3 Licensure and Supervision;

4 11. "Qualified patient" means a capable adult who is a resident
5 of Oklahoma and has satisfied the requirements of the Oklahoma Death
6 with Dignity Act in order to obtain a prescription for medication to
7 end his or her life in a humane and dignified manner; and

8 12. "Terminal disease" means an incurable and irreversible
9 disease that has been medically confirmed and will, within
10 reasonable medical judgment, produce death within six (6) months.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3002.3 of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 A. An adult who is capable, is a resident of Oklahoma, and has
15 been determined by the attending physician and consulting physician
16 to be suffering from a terminal disease, and who has voluntarily
17 expressed his or her wish to die, may make a written request for
18 medication for the purpose of ending his or her life in a humane and
19 dignified manner in accordance with the Oklahoma Death with Dignity
20 Act.

21 B. No person shall qualify under the provisions of the Oklahoma
22 Death with Dignity Act solely because of age or disability.

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1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3002.4 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A valid request for medication under the Oklahoma Death with
5 Dignity Act shall be in substantially the form described in Section
6 21 of this act, signed and dated by the patient and witnessed by at
7 least two individuals who, in the presence of the patient, attest
8 that to the best of their knowledge and belief the patient is
9 capable, acting voluntarily, and is not being coerced to sign the
10 request.

11 B. One of the witnesses shall be a person who is not:

12 1. A relative of the patient by blood, marriage or adoption;

13 2. A person who at the time the request is signed would be
14 entitled to any portion of the estate of the qualified patient upon
15 death under any will or by operation of law; or

16 3. An owner, operator or employee of a health care facility
17 where the qualified patient is receiving medical treatment or is a
18 resident.

19 C. The patient's attending physician at the time the request is
20 signed shall not be a witness.

21 D. If the patient is a patient in a long-term care facility at
22 the time the written request is made, one of the witnesses shall be
23 an individual designated by the facility and having the
24 qualifications specified by the State Department of Health by rule.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3002.5 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The attending physician shall:

5 1. Make the initial determination of whether a patient has a
6 terminal disease, is capable, and has made the request voluntarily;

7 2. Request that the patient demonstrate Oklahoma residency
8 pursuant to Section 14 of this act;

9 3. To ensure that the patient is making an informed decision,
10 inform the patient of:

11 a. his or her medical diagnosis,

12 b. his or her prognosis,

13 c. the potential risks associated with taking the
14 medication to be prescribed,

15 d. the probable result of taking the medication to be
16 prescribed, and

17 e. the feasible alternatives, including, but not limited
18 to, comfort care, hospice care and pain control;

19 4. Refer the patient to a consulting physician for medical
20 confirmation of the diagnosis, and for a determination that the
21 patient is capable and acting voluntarily;

22 5. Refer the patient for counseling if appropriate pursuant to
23 Section 7 of this act;

24 6. Recommend that the patient notify next of kin;

1 7. Counsel the patient about the importance of having another
2 person present when the patient takes the medication prescribed
3 pursuant to the Oklahoma Death with Dignity Act and of not taking
4 the medication in a public place;

5 8. Inform the patient that he or she has an opportunity to
6 rescind the request at any time and in any manner, and offer the
7 patient an opportunity to rescind at the end of the fifteen-day
8 waiting period pursuant to Section 10 of this act;

9 9. Verify, immediately prior to writing the prescription for
10 medication under the Oklahoma Death with Dignity Act, that the
11 patient is making an informed decision;

12 10. Fulfill the medical record documentation requirements of
13 Section 13 of this act;

14 11. Ensure that all appropriate steps are carried out in
15 accordance with the Oklahoma Death with Dignity Act prior to writing
16 a prescription for medication to enable a qualified patient to end
17 his or her life in a humane and dignified manner; and

18 12. a. dispense medications directly, including ancillary
19 medications intended to facilitate the desired effect
20 to minimize the patient's discomfort, provided the
21 attending physician is registered as a dispensing
22 physician with the State Board of Medical Licensure
23 and Supervision, has a current Drug Enforcement
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1 Administration certificate and complies with any
2 applicable administrative rule, or

3 b. with the patient's written consent:

4 (1) contact a pharmacist and inform the pharmacist of
5 the prescription, and

6 (2) deliver the written prescription personally or by
7 mail to the pharmacist, who will dispense the
8 medications to either the patient, the attending
9 physician or an expressly identified agent of the
10 patient.

11 B. Notwithstanding any other provision of law, the attending
12 physician may sign the patient's death certificate.

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3002.6 of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 Before a patient is qualified under the Oklahoma Death with
17 Dignity Act, a consulting physician shall examine the patient and
18 his or her relevant medical records and confirm, in writing, the
19 attending physician's diagnosis that the patient is suffering from a
20 terminal disease, and verify that the patient is capable, is acting
21 voluntarily and has made an informed decision.

22 SECTION 7. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3002.7 of Title 63, unless there
24 is created a duplication in numbering, reads as follows:

1 If in the opinion of the attending physician or the consulting
2 physician a patient may be suffering from a psychiatric or
3 psychological disorder or depression causing impaired judgment,
4 either physician shall refer the patient for counseling. No
5 medication to end a patient's life in a humane and dignified manner
6 shall be prescribed until the person performing the counseling
7 determines that the patient is not suffering from a psychiatric or
8 psychological disorder or depression causing impaired judgment.

9 SECTION 8. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 3002.8 of Title 63, unless there
11 is created a duplication in numbering, reads as follows:

12 No person shall receive a prescription for medication to end his
13 or her life in a humane and dignified manner unless he or she has
14 made an informed decision as defined in Section 18 of this act.
15 Immediately prior to writing a prescription for medication under the
16 Oklahoma Death with Dignity Act, the attending physician shall
17 verify that the patient is making an informed decision.

18 SECTION 9. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3002.9 of Title 63, unless there
20 is created a duplication in numbering, reads as follows:

21 The attending physician shall recommend that the patient notify
22 the next of kin of his or her request for medication pursuant to the
23 Oklahoma Death with Dignity Act. A patient who declines or is
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1 unable to notify next of kin shall not have his or her request
2 denied for that reason.

3 SECTION 10. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3002.10 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 In order to receive a prescription for medication to end his or
7 her life in a humane and dignified manner, a qualified patient shall
8 have made an oral request and a written request, and reiterate the
9 oral request to his or her attending physician no less than fifteen
10 (15) days after making the initial oral request. At the time the
11 qualified patient makes his or her second oral request, the
12 attending physician shall offer the patient an opportunity to
13 rescind the request.

14 SECTION 11. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3002.11 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 A patient may rescind his or her request at any time and in any
18 manner without regard to his or her mental state. No prescription
19 for medication under the Oklahoma Death with Dignity Act may be
20 written without the attending physician offering the qualified
21 patient an opportunity to rescind the request.

22 SECTION 12. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3002.12 of Title 63, unless
24 there is created a duplication in numbering, reads as follows:

1 No less than fifteen (15) days shall elapse between the
2 patient's initial oral request and the writing of a prescription
3 under the Oklahoma Death with Dignity Act. No less than forty-eight
4 (48) hours shall elapse between the patient's written request and
5 the writing of a prescription under the Oklahoma Death with Dignity
6 Act.

7 SECTION 13. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3002.13 of Title 63, unless
9 there is created a duplication in numbering, reads as follows:

10 The following shall be documented or filed in the patient's
11 medical record:

12 1. All oral requests by a patient for medication to end his or
13 her life in a humane and dignified manner;

14 2. All written requests by a patient for medication to end his
15 or her life in a humane and dignified manner;

16 3. The attending physician's diagnosis and prognosis,
17 determination that the patient is capable, acting voluntarily and
18 has made an informed decision;

19 4. The consulting physician's diagnosis and prognosis, and
20 verification that the patient is capable, acting voluntarily and has
21 made an informed decision;

22 5. A report of the outcome and determinations made during
23 counseling, if performed;

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1 6. The attending physician's offer to the patient to rescind
2 his or her request at the time of the patient's second oral request
3 pursuant to Section 10 of this act; and

4 7. A note by the attending physician indicating that all
5 requirements under the Oklahoma Death with Dignity Act have been met
6 and indicating the steps taken to carry out the request, including a
7 notation of the medication prescribed.

8 SECTION 14. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 3002.14 of Title 63, unless
10 there is created a duplication in numbering, reads as follows:

11 Only requests made by Oklahoma residents under the Oklahoma
12 Death with Dignity Act shall be granted. Factors demonstrating
13 Oklahoma residency include but are not limited to:

- 14 1. Possession of an Oklahoma driver license;
- 15 2. Registration to vote in Oklahoma;
- 16 3. Evidence that the person owns or leases property in
17 Oklahoma; or
- 18 4. Filing of an Oklahoma tax return for the most recent tax
19 year.

20 SECTION 15. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3002.15 of Title 63, unless
22 there is created a duplication in numbering, reads as follows:

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1 A. 1. The State Department of Health shall annually review a
2 sample of records maintained pursuant to the Oklahoma Death with
3 Dignity Act.

4 2. The Department shall require any health care provider upon
5 dispensing medication pursuant to the Oklahoma Death with Dignity
6 Act to file a copy of the dispensing record with the Department.

7 B. The Department shall promulgate rules to facilitate the
8 collection of information regarding compliance with the Oklahoma
9 Death with Dignity Act. Except as otherwise required by law, the
10 information collected shall not be a public record and may not be
11 made available for inspection by the public.

12 C. The Department shall generate and make available to the
13 public an annual statistical report of information collected under
14 subsection B of this section.

15 SECTION 16. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3002.16 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 A. No provision in a contract, will or other agreement, whether
19 written or oral, to the extent the provision would affect whether a
20 person may make or rescind a request for medication to end his or
21 her life in a humane and dignified manner, shall be valid.

22 B. No obligation owing under any currently existing contract
23 shall be conditioned or affected by the making or rescinding of a
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1 request, by a person, for medication to end his or her life in a
2 humane and dignified manner.

3 SECTION 17. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3002.17 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 The sale, procurement, or issuance of any life, health, or
7 accident insurance or annuity policy or the rate charged for any
8 policy shall not be conditioned upon or affected by the making or
9 rescinding of a request, by a person, for medication to end his or
10 her life in a humane and dignified manner. Neither shall a
11 qualified patient's act of ingesting medication to end his or her
12 life in a humane and dignified manner have an effect upon a life,
13 health, or accident insurance or annuity policy.

14 SECTION 18. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3002.18 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 Nothing in the Oklahoma Death with Dignity Act shall be
18 construed to authorize a physician or any other person to end a
19 patient's life by lethal injection, mercy killing or active
20 euthanasia. Actions taken in accordance with the Oklahoma Death
21 with Dignity Act shall not, for any purpose, constitute suicide,
22 assisted suicide, mercy killing or homicide, under the law.

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1 SECTION 19. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3002.19 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 Except as provided in the Oklahoma Death with Dignity Act:

5 1. No person shall be subject to civil or criminal liability or
6 professional disciplinary action for participating in good-faith
7 compliance with the Oklahoma Death with Dignity Act. This includes
8 being present when a qualified patient takes the prescribed
9 medication to end his or her life in a humane and dignified manner;

10 2. No professional organization or association, or health care
11 provider, may subject a person to censure, discipline, suspension,
12 loss of license, loss of privileges, loss of membership or other
13 penalty for participating or refusing to participate in good-faith
14 compliance with the Oklahoma Death with Dignity Act;

15 3. No request by a patient for or provision by an attending
16 physician of medication in good-faith compliance with the provisions
17 of the Oklahoma Death with Dignity Act shall constitute neglect for
18 any purpose of law or provide the sole basis for the appointment of
19 a guardian or conservator;

20 4. No health care provider shall be under any duty, whether by
21 contract, by statute or by any other legal requirement to
22 participate in the provision to a qualified patient of medication to
23 end his or her life in a humane and dignified manner. If a health
24 care provider is unable or unwilling to carry out a patient's

1 request under the Oklahoma Death with Dignity Act, and the patient
2 transfers his or her care to a new health care provider, the prior
3 health care provider shall transfer, upon request, a copy of the
4 patient's relevant medical records to the new health care provider;

5 5. a. Notwithstanding any other provision of law, a health
6 care provider may prohibit another health care
7 provider from participating in the Oklahoma Death with
8 Dignity Act on the premises of the prohibiting
9 provider if the prohibiting provider has notified the
10 health care provider of the prohibiting provider's
11 policy regarding participating in the Oklahoma Death
12 with Dignity Act. Nothing in this paragraph prevents
13 a health care provider from providing health care
14 services to a patient that do not constitute
15 participation in the Oklahoma Death with Dignity Act.

16 b. Notwithstanding the provisions of paragraphs 1 through
17 4 of this section, a health care provider may subject
18 another health care provider to the sanctions stated
19 in this subparagraph if the sanctioning health care
20 provider has notified the sanctioned provider prior to
21 participation in the Oklahoma Death with Dignity Act
22 that it prohibits participation in the Oklahoma Death
23 with Dignity Act:

1 (1) loss of privileges, loss of membership or other
2 sanction provided pursuant to the medical staff
3 bylaws, policies and procedures of the
4 sanctioning health care provider if the
5 sanctioned provider is a member of the
6 sanctioning provider's medical staff and
7 participates in the Oklahoma Death with Dignity
8 Act while on the health care facility premises of
9 the sanctioning health care provider, but not
10 including the private medical office of a
11 physician or other provider,

12 (2) termination of lease or other property contract
13 or other nonmonetary remedies provided by lease
14 contract, not including loss or restriction of
15 medical staff privileges or exclusion from a
16 provider panel, if the sanctioned provider
17 participates in the Oklahoma Death with Dignity
18 Act while on the premises of the sanctioning
19 health care provider or on property that is owned
20 by or under the direct control of the sanctioning
21 health care provider, or

22 (3) termination of contract or other nonmonetary
23 remedies provided by contract if the sanctioned
24 provider participates in the Oklahoma Death with

1 Dignity Act while acting in the course and scope
2 of the sanctioned provider's capacity as an
3 employee or independent contractor of the
4 sanctioning health care provider. Nothing in
5 this division shall be construed to prevent:

6 (a) a health care provider from participating in
7 the Oklahoma Death with Dignity Act while
8 acting outside the course and scope of the
9 provider's capacity as an employee or
10 independent contractor, or

11 (b) a patient from contracting with his or her
12 attending physician and consulting physician
13 to act outside the course and scope of the
14 provider's capacity as an employee or
15 independent contractor of the sanctioning
16 health care provider.

17 c. A health care provider that imposes sanctions pursuant
18 to subparagraph b of this paragraph must follow all
19 due process and other procedures the sanctioning
20 health care provider may have that are related to the
21 imposition of sanctions on another health care
22 provider.

23 d. For purposes of this paragraph:
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1 (1) "notify" means a separate statement in writing to
2 the health care provider specifically informing
3 the health care provider prior to the provider's
4 participation in the Oklahoma Death with Dignity
5 Act of the sanctioning health care provider's
6 policy about participation in activities covered
7 by the Oklahoma Death with Dignity Act,

8 (2) "participate in the Oklahoma Death with Dignity
9 Act" means to perform the duties of an attending
10 physician pursuant to Section 5 of this act, the
11 consulting physician function pursuant to Section
12 6 of this act or the counseling function pursuant
13 to Section 7 of this act. "Participate in the
14 Oklahoma Death with Dignity Act" does not
15 include:

16 (a) making an initial determination that a
17 patient has a terminal disease and informing
18 the patient of the medical prognosis,

19 (b) providing information about the Oklahoma
20 Death with Dignity Act to a patient upon the
21 request of the patient,

22 (c) providing a patient, upon the request of the
23 patient, with a referral to another
24 physician, or

1 (d) a patient contracting with his or her
2 attending physician and consulting physician
3 to act outside of the course and scope of
4 the provider's capacity as an employee or
5 independent contractor of the sanctioning
6 health care provider;

7 6. Suspension or termination of staff membership or privileges
8 under paragraph 5 of this section is not reportable under the
9 Oklahoma Death with Dignity Act. Action taken pursuant to the
10 Oklahoma Death with Dignity Act shall not be the sole basis for a
11 report of unprofessional conduct; and

12 7. No provision of the Oklahoma Death with Dignity Act shall be
13 construed to allow a lower standard of care for patients in the
14 community where the patient is treated or a similar community.

15 SECTION 20. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3002.20 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 A. A person who without authorization of the patient willfully
19 alters or forges a request for medication or conceals or destroys a
20 rescission of that request with the intent or effect of causing the
21 patient's death shall be guilty of a felony.

22 B. A person who coerces or exerts undue influence on a patient
23 to request medication for the purpose of ending the patient's life,
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1 or to destroy a rescission of such a request, shall be guilty of a
2 felony.

3 C. Nothing in the Oklahoma Death with Dignity Act limits
4 further liability for civil damages resulting from other negligent
5 conduct or intentional misconduct by any person.

6 D. The penalties in the Oklahoma Death with Dignity Act do not
7 preclude criminal penalties applicable under other law for conduct
8 which is inconsistent with the provisions of the Oklahoma Death with
9 Dignity Act.

10 SECTION 21. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3002.21 of Title 63, unless
12 there is created a duplication in numbering, reads as follows:

13 Any governmental entity that incurs costs resulting from a
14 person terminating his or her life pursuant to the provisions of the
15 Oklahoma Death with Dignity Act in a public place shall have a claim
16 against the estate of the person to recover such costs and
17 reasonable attorney fees related to enforcing the claim.

18 SECTION 22. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3002.22 of Title 63, unless
20 there is created a duplication in numbering, reads as follows:

21 A request for a medication as authorized by the Oklahoma Death
22 with Dignity Act shall be in substantially the following form:

23 REQUEST FOR MEDICATION

24 TO END MY LIFE IN A HUMANE

1 AND DIGNIFIED MANNER

2 I, _____, am an adult of sound mind.

3 I am suffering from _____, which my attending physician has
4 determined is a terminal disease and which has been medically
5 confirmed by a consulting physician.

6 I have been fully informed of my diagnosis, prognosis, the
7 nature of medication to be prescribed and potential associated
8 risks, the expected result, and the feasible alternatives, including
9 comfort care, hospice care and pain control.

10 I request that my attending physician prescribe medication that
11 will end my life in a humane and dignified manner.

12 INITIAL ONE:

13 ___ I have informed my family of my decision and taken their
14 opinions into consideration.

15 ___ I have decided not to inform my family of my decision.

16 ___ I have no family to inform of my decision.

17 I understand that I have the right to rescind this request at
18 any time.

19 I understand the full import of this request and I expect to die
20 when I take the medication to be prescribed. I further understand
21 that although most deaths occur within three hours, my death may
22 take longer and my physician has counseled me about this
23 possibility.

1 I make this request voluntarily and without reservation, and I
2 accept full moral responsibility for my actions.

3 Signed: _____

4 Dated: _____

5 DECLARATION OF WITNESSES

6 We declare that the person signing this request:

- 7 1. Is personally known to us or has provided proof of identity;
8 2. Signed this request in our presence;
9 3. Appears to be of sound mind and not under duress, fraud or
10 undue influence;
11 4. Is not a patient for whom either of us is attending
12 physician.

13 _____ Witness 1/Date

14 _____ Witness 2/Date

15 NOTE: One witness shall not be a relative (by blood, marriage or
16 adoption) of the person signing this request, shall not be entitled
17 to any portion of the person's estate upon death and shall not own,
18 operate or be employed at a health care facility where the person is
19 a patient or resident. If the patient is an inpatient at a health
20 care facility, one of the witnesses shall be an individual
21 designated by the facility.

22 SECTION 23. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3002.23 of Title 63, unless
24 there is created a duplication in numbering, reads as follows:

1 A. It shall be a felony for a person without authorization of
2 the principal to willfully alter, forge, conceal or destroy an
3 instrument, the reinstatement or revocation of an instrument or any
4 other evidence or document reflecting the principal's desires and
5 interests, with the intent and effect of causing a withholding or
6 withdrawal of life-sustaining procedures or of artificially
7 administered nutrition and hydration which hastens the death of the
8 principal.

9 B. Except as provided in subsection A of this section, it shall
10 be a misdemeanor for a person without authorization of the principal
11 to willfully alter, forge, conceal or destroy an instrument, the
12 reinstatement or revocation of an instrument, or any other evidence
13 or document reflecting the principal's desires and interests with
14 the intent or effect of affecting a health care decision.

15 SECTION 24. This act shall become effective November 1, 2015.

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